

2.3 Cultural Resources

The following section is based on a cultural resources investigation conducted by Brian F. Smith and Associates (BFSA). The cultural resources report, titled, “A Phase I Archaeological Survey and Phase II Cultural Resources Evaluation for the Otay Business Park Project” (dated December 1, 2009), is included in the Technical Appendices to this EIR under Section D.

2.3.1 Existing Conditions

2.3.1.1 Regional and Site History

Archaeological investigations in San Diego County have documented a diverse and rich record of human occupation spanning the past 10,000 years. Likewise, the history of archaeological research in San Diego County and southern California since the 1920s is as diverse and rich as the number of archaeological investigations conducted by scholars with different research designs and mental constructs. These investigations have provided an overwhelming body of knowledge concerning the prehistory of San Diego County and southern California. Researchers have continuously built on this body of knowledge and have offered more than a dozen cultural sequences based on characteristics observed in the archaeological record. Typically, scholars have separated prehistory into three general sequences and have used the terms complex, period, stage, tradition, and horizon to define each sequence. The terms used to describe these sequences generally fall into three categories: those used to describe a culture with a specific toolkit (e.g., San Dieguito, La Jolla), geographical (e.g., La Jolla, Pauma), and/or temporal (e.g., Archaic, Late Prehistoric). These terms are often used interchangeably to describe a particular artifact assemblage or site.

To some degree, the absence of radiocarbon dates limits the confirmation of site linkage chronologically. However, judging from site characteristics, artifact density and quantity, and subsurface deposits, the matrix of a prehistoric resource exploitation pattern can be recognized. Although the sites within the project are not isolated and, in fact, are connected geographically, temporally, and culturally to related sites within a short distance of the project, together, these sites form a recognizable collection of habitation and processing sites that are associated with major Kumeyaay and Archaic La Jolla Complex encampments in Otay Valley and Salt Creek to the north.

The cultures that have been identified in the general vicinity of the proposed project site consist of the possible Paleo-Indian manifestation of the San Dieguito Complex, the Archaic and Early Milling Stone Horizons represented by the La Jolla Complex, and the Late Prehistoric Kumeyaay culture. The area was used for ranching and farming following the Hispanic intrusion into the region, and extending into the historic period. A more detailed discussion of the cultural elements in the project area is provided in the project’s archeological resources report (refer to Section D of the Technical Appendices).

The proposed project site, although currently undeveloped, has been used during the historic period for farming and grazing. The previous plowing and cattle grazing ushered in introduced grasses and weeds that contributed to the generally poor surface visibility encountered during the investigation of the Project area.

2.3.1.2 Review of Previous Archaeological Investigations

Archaeological record searches at the South Coastal Information Center (SCIC) and the San Diego Museum of Man were performed for the proposed Project site and surrounding area. The records

searches showed that the project area has been subjected to four previous cultural resource studies as well as one study for an environmental impact report. In addition, 30 cultural resources studies have been conducted within one mile of the project. As summarized in 0, *Previously Recorded On-Site Cultural Resources*, the results of these records searches also showed that a total of nine archaeological sites, consisting of eight lithic scatters, a habitation site, and one historic site including a cistern feature and trash scatter, have been recorded within the Otay Business Park Project boundaries. Two additional sites were recorded outside of the project boundary, but within the off-site improvement areas. Detailed information about the previous studies conducted on the site is provided in Section 6.1 of the cultural resources report, which is included as Appendix D to this EIR.

In addition to the resources identified on-site, 73 resources, including 54 sites and 19 isolates, have been recorded within a one-mile radius of the project area. Two of these sites (i.e., SDI-8081 and SDI-12,888H) have been recorded within portions of the 32.3-acres of off-site improvements to the west and northwest of the project area. In addition to the 54 sites, approximately 19 isolated prehistoric artifacts have been recorded within one mile of the project, most of which consist of only one or two flakes or tested cobbles that are not associated with a concentration of artifacts.

2.3.1.3 Survey Results

The archaeological survey of the proposed Project area resulted in the relocation of eight of the eleven previously recorded sites. Previously recorded sites that were not identified during the survey of the property by BFSA in 2006 include Sites SDI-8074, SDI-8076, and SDI-11,798. In addition to the eight sites that were relocated, the survey also resulted in the identification of six previously unrecorded sites, in addition to six new isolated artifacts. A brief description of each of the sites identified by BFSA during the 2006 survey is provided below. Each of the sites listed below was subjected to full testing and significance evaluation as part of the 2006 survey conducted by BFSA. The testing and evaluation of a total of 17 sites (16 on site, 1 off-site improvement areas) consisted of mapping and collection of surface artifacts, and subsurface investigations, which included excavation of a series of shovel tests and test units.

Site SDI-8074

Site SDI-8074 was first recorded in 1974 and described as a collection of possible hearths and a moderate lithic scatter. The site was identified again in 1990 without any evidence of groundstone or hearths. Site SDI-8074 was not found during the 2006 site surveys by BFSA. However, because SDI-8074 has never been tested for significance, and due to the extremely poor ground visibility in the area, the location where the site had been previously recorded was tested for significance during the 2006 investigation. Based on the results of the testing, Site SDI-8074 exhibits no surface or subsurface cultural deposits, no potential for buried cultural features, and therefore has no additional research potential. The research potential of this site has been exhausted with the 2006 BFSA investigation. Therefore, according to the criteria listed in *Cultural Resources: Archaeological and Historical Resources, County of San Diego, Guidelines for Determining Significance* (September 26, 2006, revised December 5, 2007; herein, "County Cultural Resources Guidelines."), Site SDI-8074 is not considered a significant cultural resource.

Site SDI-8075

Site SDI-8075 is located on a relatively level, slightly southwest-sloping, broad knoll in the eastern portion of the project area. The site was first recorded in 1974 and was described as a thin lithic

scatter, including one flake scraper, one utilized flake, and two flakes. The site was identified again in 1990 and noted as a small, light density lithic scatter.

Analysis of cultural materials recovered from Site SDI-8075 revealed a sparse surface scatter of artifacts with no associated subsurface deposit (four lithic artifacts from the surface). The recovered materials indicate that site activities were focused on lithic production of metavolcanic materials. Site SDI-8075 exhibits no intact subsurface cultural deposits and no potential for buried cultural features. The site exhibits no unique elements and no additional research potential; however the site did yield information during the testing program. Therefore, according to the criteria listed in the County Cultural Resources Guidelines, Site SDI-8075 is considered a significant cultural resource by the County of San Diego. Mitigation is considered complete with the recordation of the site and collection and evaluation of artifacts.

Site SDI-8076

Previous surface collections and U.S. Border Patrol disturbances may have depleted the surface expression. The site was not relocated during the current survey. The site was previously tested in 2002, and was determined not to meet the definition of significance pursuant to §15064.5 of the State CEQA Guidelines.

Site SDI-8077

Site SDI-8077 is located on the top and north-facing slope of a small mesa in the central portion of the project area. The site was first recorded in 1974 and was described as a thin lithic scatter. The site was investigated in 1990 and was noted as a small, light density lithic scatter that had been disturbed by plowing.

Analysis of the prehistoric cultural material recovered from Site SDI-8077 revealed an isolated and shallow cultural deposit that extended to a depth of 20 centimeters. Recovered lithic artifacts indicate that site activities were focused on lithic tool production (145 lithic artifacts). Site SDI-8077 is unlikely to produce buried cultural features and, therefore, lacks additional research potential. Based on the information derived from the current testing program, Site SDI-8077 is considered a significant resource according to criteria listed in the County Cultural Resources Guidelines because the site yielded information during the testing program. Mitigation is considered complete with the recordation of the site and collection and evaluation of artifacts.

Site SDI-8078

Site SDI-8078 is located on a relatively level, slightly south-sloping broad knoll in the northern portion of the project area. The site was first recorded in 1974 and described as a moderate lithic scatter including percussion tools, precision tools, one metate, and lithic production waste. The site was identified again in 1990 and noted as a moderate density lithic scatter expanded by plowing disturbances.

Analysis of cultural materials recovered from Site SDI-8078 revealed a sparse surface scatter of artifacts with no associated subsurface deposit (three artifacts, a utilized flake, waste flake and a hammerstone). The recovered materials indicate that site activities were focused on lithic production. Site SDI-8078 exhibits no intact subsurface cultural deposits and no potential for buried cultural features. The site exhibits no unique elements and no additional research potential. The research potential of this site has been exhausted with the current investigation. However, according

to the criteria listed in the County Cultural Resources Guidelines, Site SDI-8078 is considered a significant cultural resource by the County of San Diego because it yielded information during the testing program. Mitigation is considered complete with the recordation of the site and collection and evaluation of artifacts.

Site SDI-8079

Previous field surveys located a moderate lithic scatter within the southwest portion of the site. The remainder of the site was documented as having poor surface visibility. The site was previously tested in 2002, and was determined not to meet the definition of significance pursuant to §15064.5 of the State CEQA Guidelines. The site was relocated with a lithic scatter in the southwest portion of the site. No additional testing was done.

Site SDI-8080

Site SDI-8080 was previously identified and tested in 2002. The site was identified as having twelve lithic production waste artifacts and one domed scraper located within the previously recorded site boundaries. Testing by Russell et al. determined that the site does not to meet the definition of significance pursuant to §15064.5 of the State CEQA Guidelines. The site was relocated by a lithic scatter consisting of 12 lithic debitage and one domed scraper along a dirt road. The site was not retested.

Site SDI-8081

Site SDI-8081 is a resource extraction and processing/temporary habitation site located along the west edge of Alta Road within the proposed off-site improvement area. The site was first identified in 1974 as a moderate lithic scatter and then updated to a habitation site in 1991.

Analysis of cultural materials collected from testing Site SDI-8081 revealed a significant cultural deposit extending to a depth of 60 centimeters. The recovered lithic artifacts indicate that site activities were focused on the procurement, processing, and maintenance of lithic tools. The depth and density of recovered ecofacts indicate that shellfish resources were processed and consumed at the site, which is indicative of a prolonged occupation. Because the testing and evaluation program identified an intact subsurface deposit containing artifacts and ecofacts, the site is considered to have additional research potential. Therefore, according to the criteria listed in the County Cultural Resources Guidelines, Site SDI-8081 is considered a significant resource. Mitigation will require the implementation of a data recovery program in the areas impacted by off-site improvements.

Site SDI-8082

Site SDI-8082 was previously identified tested in 2002. The site was identified as having one lithic production waste artifact. Testing determined that the site does not meet the definition of significance pursuant to §15064.5 of the State CEQA Guidelines.

Site SDI-11,798

Site SDI-11,798 was first recorded in 1989 and was described as a very light lithic scatter that included flakes/debitage, cores and flaked tools. Site SDI-11,798 was not located during the 2006 site surveys by BFSa. However, because SDI-11,798 has never been tested for significance, and due to the extremely poor ground visibility in the area, the location where the site had been previously recorded was tested for significance during the current investigation. Based on the results of the testing, it was determined that Site SDI-11,798 exhibits no subsurface cultural deposits, limited

potential for buried cultural features, and no additional research potential. Because SDI-11,798 yielded information during the testing program, it is considered a significant cultural resource by the County of San Diego according to the criteria listed in the County Cultural Resources Guidelines. Mitigation is considered complete with the recordation of the site and collection and evaluation of artifacts.

Site SDI-11,799/H

Site SDI-11,799/H is a multi-component site located in a level area within the northwestern portion of the Project area. The site was first identified in 1989 and was described as an historic site including a cistern filled with wood and debris and an isolated amethyst bottleneck.

The testing program conducted for Site SDI-11,799/H indicated that the site consists of historic surface artifacts and prehistoric subsurface artifacts (237 historic artifacts). The overall site dimensions, as identified by the surface distribution of artifacts, measure approximately 105 meters (344 feet) from north to south by 117 meters (383 feet) from east to west, covering 10,347 square meters (33,930 square feet). The subsurface area of the site, based on the results of the shovel test pit and test unit excavations, measured approximately 1,046 square meters (3,431 square feet).

The prehistoric component of Site SDI-11,799/H consists of a sparse surface and subsurface scatter of artifacts that includes marine shell and flakes (seven lithic artifacts including a utilized flake, a retouched flake, one worked bone, and four pieces of lithic production waste). The prehistoric component of the site is interpreted as a limited-use area where activities included marine resource preparation and consumption and lithic tool manufacture. No temporally diagnostic artifacts were recovered from the site. Although the prehistoric component of Site SDI-11,799/H exhibits a sparse intact subsurface cultural deposit, the lack of variety and breadth indicate that this component of the site has no potential for buried cultural features and no additional research potential. The research potential of this site has been exhausted with the current investigation. Because the prehistoric component of SDI-11,799/H yielded information during the testing program, the site is considered a significant resource by the County of San Diego, according to the criteria listed in the County Cultural Resources Guidelines. Mitigation is considered complete with the recordation of the site and collection and evaluation of artifacts.

The historic component of the site is interpreted as a late 19th century homestead site representing agricultural and/or ranching activities. The testing program indicated that a deep historic feature is located in the northwest corner of the site below the plow zone. Historic research indicates this subsurface deposit is located in the vicinity of an historic structure. This resource yielded information during the testing program and possesses additional research potential, which may address important research questions pertaining to homesteading in the late 19th century Otay Mesa area. Therefore, according to the criteria listed in the County Cultural Resources Guidelines, the historic component of SDI-11,799H is considered a significant resource.

Site SDI-17,962

Site SDI-17,962 is a prehistoric limited-use site located in a relatively level area within the eastern portion of the project area. The site was identified during the current survey and subsequently tested for significance.

Analysis of cultural materials recovered from Site SDI-17,962 revealed a sparse surface scatter of artifacts with no associated subsurface deposit. The recovered materials indicate that site activities were focused on lithic tool manufacture and maintenance (14 lithic artifacts recovered). Site SDI-17,962 exhibits no intact subsurface cultural deposits and no potential for buried cultural features. The site exhibits no unique elements and no additional research potential. The research potential of this site has been exhausted with the current investigation; however, because Site SDI-17,962 yielded information during initial recordation and testing, the site is considered a significant cultural resource by the County of San Diego according to the criteria listed in the County Cultural Resources Guidelines. Therefore, mitigation is considered complete with the recordation of the site and collection and evaluation of artifacts.

Site SDI-17,963

Site SDI-17,963 is a resource extraction and processing site located down-slope and just east of Site SDI-8077, along the west bank of an intermittent drainage within the central portion of the project area. The site was identified during the current survey and subsequently tested for significance.

The analysis of the prehistoric cultural materials recovered from Site SDI-17,963 revealed a significant cultural deposit at the site extending to a depth of 42 centimeters. The recovered lithic artifacts indicate that site activities were focused on the procurement, processing, and maintenance of lithic tools. Site SDI-17,963 exhibits the potential for subsurface deposits and/or buried cultural features (522 artifacts recovered). Because the testing and evaluation program identified an intact subsurface deposit, the site has yielded information, and the site is considered to have additional research potential, Site SDI-17,963 is considered a significant resource by the County of San Diego according to criteria listed in the County Cultural Resources Guidelines.

Site SDI-17,964

Site SDI-17,964 is a moderately dense prehistoric lithic scatter located on the eastern edge of a small, low-lying mesa and continuing down the east-facing slope. The site was identified during the current survey and subsequently tested for significance.

The analysis of the prehistoric cultural materials recovered from Site SDI-17,964 revealed an isolated and shallow cultural deposit (297 artifacts recovered) at the site extending to a depth of 25 centimeters. The recovered lithic artifacts indicate that site activities were focused on the procurement, processing, and maintenance of lithic tools. Due to erosion and the specialized nature of Site SDI-17,964, it is unlikely to produce buried cultural features and, therefore, lacks additional research potential. Based on the information yielded during the current testing program, Site SDI-17,964 is considered a significant resource by the County of San Diego pursuant to criteria listed in the County Cultural Resources Guidelines. Therefore, mitigation is considered complete with the recordation of the site and collection and evaluation of artifacts.

Site SDI-17,965

Site SDI-17,965 is a very small prehistoric temporary camp located on a relatively broad, south-sloping knoll south of Site SDI-8078 in the north-central portion of the project area. The site was identified during the current survey and subsequently tested for significance.

Analysis of cultural materials recovered from Site SDI-17,965 revealed a sparse surface scatter of marine shell ecofacts with an equally sparse subsurface deposit (two lithic flakes and 88.1 grams of

marine shell). The recovered materials indicate that site activities were focused on marine resource preparation and consumption, and very limited lithic tool manufacture and maintenance. Although Site SDI-17,965 exhibits a sparse intact subsurface cultural deposit, the lack of variety and breadth indicate the site has no potential for buried cultural features and no additional research potential. The research potential of this site has been exhausted with the current investigation. However, according to the criteria listed in the County Cultural Resources Guidelines, Site SDI-17,965 is considered a significant cultural resource by the County of San Diego because it yielded information during initial recordation and testing. Mitigation is considered complete with the recordation of the site and collection and evaluation of artifacts.

Site SDI-17,966/H

Site SDI-17,966/H is a multi-component site located in a level area within the western portion of the project area. The site was identified during the current survey and subsequently tested for significance.

Testing of Site SDI-17,966/H identified historic and prehistoric surface and subsurface deposits. The current testing program demonstrated that the prehistoric component of Site SDI-17,966/H consists of a sparse surface scatter of artifacts with an associated subsurface deposit, including predominately marine shell ecofacts. The prehistoric component of the site is interpreted as a limited-use area where activities included marine resource preparation and consumption, and lithic tool manufacture and maintenance (12 prehistoric artifacts). No temporally diagnostic artifacts, which would aid in identifying the site to a particular prehistoric time period, were recovered from the site. The historic component of the site is interpreted as a trash scatter and dumping area, which appears to date from the mid-20th century to the present. The historic component consists of a sporadic historic trash scatter and a trash push pile of debris (184 historic artifacts).

Although Site SDI-17,966/H exhibits a sparse intact subsurface cultural deposit, the lack of variety and breadth indicates that it has no potential for buried cultural features and no additional research potential. The research potential of this site has been exhausted with the current investigation. However, because the site did yield information during the current testing program, the County of San Diego classifies Site SDI-17,966/H as a significant resource, according to the criteria listed in the County Cultural Resources Guidelines. Mitigation is considered complete with the recordation of the site and collection and evaluation of artifacts.

SDI-17,967

Site SDI-17,967 is a resource extraction and processing site located down-slope and just east of SDI-17,964, along the west bank of an intermittent drainage within the southern portion of the project area. The site was identified during the current survey and subsequently tested for significance.

The analysis of the prehistoric cultural materials recovered from Site SDI-17,967 revealed an isolated and shallow cultural deposit at the site extending to a depth of 30 centimeters. The recovered lithic artifacts indicate that site activities were focused on the procurement, processing, and maintenance of lithic tools (111 total lithic artifacts including flakes, precision tools and percussion tools). Due to the limited and specialized nature of Site SDI-17,967, it is unlikely to produce additional buried cultural features and therefore, lacks additional research potential. Based on the information derived from the current testing program, Site SDI-17,967 is considered a significant resource by the County of San Diego according to criteria listed in the County Cultural Resources Significance Guidelines.

Mitigation is considered complete with the recordation of the site and collection and evaluation of artifacts.

Isolates (P-37-027656 – P-37-027661)

Field surveys conducted by BFSA in 2006 also identified a total of six prehistoric isolates consisting of three felsite flakes, two felsite cores, and one felsite hammerstone/core. As these sites are not associated with a concentration of artifacts, they were identified, mapped, and recorded with no further research being conducted or required. These prehistoric isolates are not considered important resources according to criteria listed in the County Cultural Resources Significance Guidelines.

2.3.2 Analysis of Project Effects and Determination as to Significance

2.3.2.1 East Otay Mesa Specific Plan Final EIR

The Final EIR for the EOMSP concluded that with implementation of the uses envisioned by the EOMSP, including the proposed Project, would result in significant but mitigable impacts to cultural resources. However, the Final EIR indicates that "...it is not possible to determine specific impacts that could result from the [EOMSP] project, as there [were] no proposals for development..." at the time of EIR certification. Nonetheless, the Final EIR does indicate that landform alteration due to construction and buildout of the EOMSP project would result in direct, indirect, and cumulative impacts to sites located in potential developed areas. The proposed Project seeks to implement the industrial land uses identified for the site by the EOMSP. As such, the current Project represents a proposal for development which can be evaluated at a site-specific level for impacts to cultural resources. Accordingly, the County of San Diego has determined that a supplemental analysis of cultural resources impacts is required in order to adequately evaluate and disclose potential cultural resources impacts that could result from implementation of the proposed Project.

2.3.2.2 Historic Archaeological Resources

Guidelines for the Determination of Significance

The Project would have a significant adverse effect on cultural resources if the following would occur as a result of a Project-related component:

- (1) The proposed Project would cause a substantial adverse change in the significance of an historical resource as defined in §15064.5 of the State CEQA Guidelines. This shall include the destruction, disturbance, or any alteration of characteristics or elements of a resource that cause it to be significant in a manner not consistent with the Secretary of Interior Standards.*

Guideline 1 is derived directly from CEQA. Sections 21083.2 of CEQA and 15064.5 of the State CEQA Guidelines recommend evaluating historical resources to determine whether or not a proposed action would have a significant effect on unique historical resources.

Analysis

As noted above in Section 2.3.1.3, the proposed Project site contains two historic resource sites, identified as Sites SDI-11,799/H and SDI-17,966/H. Site SDI-11,799/H is composed of a late 19th century homestead site representing agricultural and/or ranching activities. The testing program indicated that a deep historic feature is located in the northwest corner of the site below the plow

zone. Historic research indicates this subsurface deposit is located in the vicinity of a historic structure. This resource possesses additional research potential, which may address important research questions pertaining to homesteading in the late 19th century Otay Mesa area. Accordingly, Site SDI-11,799/H is considered to be a significant historical resource, as defined in §15064.5 of the State CEQA Guidelines. Implementation of the proposed Project would result in direct impacts to Site SDI-11,799H, and impacts to this site would result in a substantial adverse change in the significance of the historical resource. Therefore, implementation of the proposed Project would result in a direct and significant impact to an on-site historic resource, and mitigation, in the form of data recovery, would be required (**Significant Direct Impact CR-1**).

Site SDI-17,966/H is interpreted as a trash scatter and dumping area, which appears to date from the mid-20th century to the present. The site's lack of variety and breadth of deposits indicates that it has no potential for buried cultural features and no additional research potential. Although the site is classified as a significant resource by the County of San Diego pursuant to the County Cultural Resources Significance Guidelines, it does not meet the definition of a significant historical resource as defined in §15064.5 of the State CEQA Guidelines. Furthermore, implementation of the Project would not result in a significant impact to an on-site historic resource, as significant impacts to Site SDI-17,966/H have been precluded by the recording of testing data and the curation of all artifacts collected during the on-site cultural resources survey. No additional mitigation would be required.

Due to the presence of historical resources within the Project area, the potential exists that important historical artifacts may be present below the ground surface that could be uncovered during grading and excavation activities. If significant resources are unearthed during ground-disturbing construction activities, the Project would result in a significant impact for which mitigation would be required (**Significant Direct Impact CR-2**).

2.3.2.3 Prehistoric Archaeological Resources

Guidelines for the Determination of Significance

The Project would have a significant adverse effect on cultural resources if the following would occur as a result of a Project-related component:

- (2) The proposed Project would cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the State CEQA Guidelines. This shall include the destruction or disturbance of an important archaeological site or any portion of an important archaeological site that contains or has the potential to contain information important to history or prehistory.*

Threshold 2 is derived directly from CEQA. Sections 21083.2 of CEQA and 15064.5 of the State CEQA Guidelines recommend evaluating archaeological resources to determine whether or not a proposed action would have a significant effect on unique archaeological resources.

Analysis

As noted above in Section 2.3.1.3, the proposed Project site contains a total of 17 archaeological sites (i.e., Sites SDI-8074, SDI-8075, SDI-8076, SDI-8077, SDI-8078, SDI-8079, SDI-8080, SDI-8081, SDI-8082, SDI-11,798, SDI-11,799/H, SDI-17,962, SDI-17,963, SDI-17,964, SDI-17,965, SDI-17,966/H, and SDI-17,967), in addition to six pre-historic isolates (i.e., Sites P-37-027656 through P-37-027661). Twelve (12) of these archaeological sites are considered significant resources by the

County of San Diego, pursuant to the County Cultural Resources Significance Guidelines. However, with exception of Sites SDI-8081 and SDI-17,963 (which are discussed below), none of the archaeological resources or isolates identified on-site meet the definition for significance pursuant to §15064.5 of the State CEQA Guidelines. Potential impacts to on-site archaeological resources considered significant by the County, but not considered significant by CEQA, have been precluded by the recording of testing data and the curation of all artifacts collected during the on-site cultural resources survey. No additional mitigation would be required.

The analysis of the pre-historic archaeological materials recovered from Site SDI-8081 revealed a significant cultural deposit at the site extending to a depth of 60 centimeters. Initial testing of Site SDI-8081 identified an intact subsurface deposit containing artifacts and ecofacts, and the site exhibits potential for additional subsurface deposits and/or buried cultural features. Because the testing and evaluation program identified an intact subsurface deposit, the site is considered to have additional research potential. Thus pursuant to §15064.5 of the State CEQA Guidelines, Site SDI-8081 would meet the definition of a significant cultural resource. Therefore, implementation of the proposed Project would result in a significant direct impact to an on-site archaeological resource (**Significant Direct Impact CR-3**), and mitigation in the form of a data recovery program would be required.

The analysis of the pre-historic archaeological materials recovered from Site SDI-17,963 revealed a significant cultural deposit at the site extending to a depth of 42 centimeters. Site SDI-17,963 exhibits the potential for subsurface deposits and/or buried cultural features. Because the testing and evaluation program identified an intact subsurface deposit, the site is considered to have additional research potential. Therefore, Site SDI-17,963 would meet the definition for significance pursuant to §15064.5 of the State CEQA Guidelines. Implementation of the proposed Project would result in direct impacts to Site SDI-17,963, and impacts to this site would result in a substantial adverse change in the significance of the archaeological resource. Therefore, implementation of the proposed Project would result in a direct and significant impact to an on-site archaeological resource (**Significant Direct Impact CR-4**), and mitigation, in the form of data recovery, would be required.

Due to the large number of archaeological resources within the Project area, the potential also exists that important archaeological artifacts may be present below the ground surface and be uncovered during grading and excavation activities. If significant resources are unearthed during ground-disturbing construction activities, the Project would result in a significant impact for which mitigation would be required (**Significant Direct Impact CR-2**).

2.3.2.4 Human Remains

Guidelines for the Determination of Significance

The Project would have a significant adverse effect on cultural resources if the following would occur as a result of a Project-related component:

- (3) *The proposed Project would disturb any human remains, including those interred outside of formal cemeteries.*

Significance Threshold 3 is included because human remains must be treated with dignity and respect and CEQA requires consultation with the “Most Likely Descendant” as identified by the

Native American Heritage Commission (NAHC) for any project in which human remains have been identified.

Analysis

Field and record surveys conducted by BFSa in 2006 did not identify the presence of any human remains, including those interred outside of formal cemeteries. Nonetheless, the potential exists that human remains may be uncovered during grading and excavation activities and this is regarded as a significant direct impact for which mitigation would be required (**Significant Direct Impact CR-5**).

2.3.2.5 County of San Diego Resource Protection Ordinance

Guidelines for the Determination of Significance

The Project would have a significant adverse effect on cultural resources if the following would occur as a result of a Project-related component:

- (4) *The Project would propose activities or uses damaging to significant cultural resources as defined by the Resource Protection Ordinance and fails to preserve those resources.*

Threshold 4 was selected for study in this EIR because the Resource Protection Ordinance (RPO) requires that cultural resources be considered when assessing environmental impacts. Any project that would have an adverse impact (direct, indirect, and cumulative) on significant cultural resources as defined by the RPO would be considered a significant impact. The only exemption is scientific investigation.

Analysis

As noted above, three of the tested sites are considered significant based on CEQA and San Diego County guidelines. However, none of the cultural resources sites documented on-site contain the range of artifacts or information potential that would elevate the sites to the status of significance under the RPO. None of the tested sites contained any evidence or artifacts of religious or ceremonial nature. Therefore, implementation of the proposed Project would not result in non-exempt activities or uses which are damaging to, or which fail to preserve, significant cultural resources as defined by the RPO. Accordingly, no impact would occur.

2.3.3 Cumulative Impact Analysis

2.3.3.1 Cumulative Impacts Identified by the EOMSP Final EIR

The EOMSP Final EIR (1994) concluded that implementation of the EOMSP would result in significant cumulative impacts to cultural resources, when considered in the context of surrounding developments. However, a detailed evaluation of potential cumulative impacts was not provided because there were no precise development proposals to analyze at the time of EIR certification in 1994.

2.3.3.2 Project-Specific Cumulative Impact Analysis

The area within the EOMSP boundaries was chosen as the minimum geographic area necessary for a cultural resource cumulative impact study (refer to Figure 2.3-1, *Cumulative Study Area – Cultural Resources*). This study area was selected because the EOMSP represents a natural cultural landscape that encompasses approximately 3,300 acres comprising multiple drainages and open mesa land that

approaches the southwestern foothills of the San Ysidro Mountains. The San Ysidro Mountains are a natural barrier to large-scale cultural expansion (past and present), which was taken into consideration in the establishment of the cumulative impact study area. In addition, areas to the north of the EOMSP are generally bounded by steep terrain associated with the Otay River Valley, while the Tijuana River Valley occurs immediately to the south; these valleys also provide a natural barrier to cultural expansion. Areas to the west of the EOMSP area are generally closer to the coast where climate and environmental conditions vary sufficiently from those present within the cumulative study area to exclude such areas from the cumulative analysis.

The Project archaeologist conducted research with the National Archaeological Database (2009 SCIC) in order to identify and disclose all cumulatively considerable impacts within the study area. The results from the cumulative research efforts identified 76 projects and a total of 106 submitted reports describing past archaeological investigations that have been prepared for lands within the study area. The number of reports exceeds the number of projects in the study area because some previously-proposed projects were withdrawn and subjected to subsequent development applications, meaning multiple studies were prepared for some sites. It should be noted that the resulting list of projects and associated impacts differs from the list of cumulative projects provided in SEIR Table 1-7, *Cumulative Projects CEQA Summary*, because the referenced data sources include records for all archaeological reports prepared within the study area, including studies prepared as far back as the 1970s. Several of the projects considered in the cumulative analysis for Cultural Resources cannot be considered in other issue areas within this SEIR because data about these projects are no longer available from the local agencies. SEIR Table 1-8, *Cumulative Projects – Cultural Resources*, summarizes the projects that were considered in the cumulative impact analysis.

A total of 137 cultural resources have been recorded within the cumulative study area (including the proposed Project site). One hundred and four (86 prehistoric, nine historic, six dual, and three unknown) of these resources are characterized as archaeological sites and the remaining 33 are prehistoric artifact isolates (32 prehistoric and one historic). Of the 104 archaeological sites, 87 occur off-site within the cumulative study area. Scant, surface lithic scatters (sometimes identified as “non-sites” or “surficial sites”), temporary camps/artifact scatters, and habitations are the types of prehistoric sites identified in, or immediately near, the project area. The other temporary camps/artifact scatters and habitation locales are located along the canyon and drainages that feed into the Otay or Tijuana Rivers.

As summarized in SEIR Table 1-9, *Summary of Previously Destroyed/Partially Destroyed Cultural Resources Sites within the Cumulative Study Area*, 19 sites are believed to have been destroyed or partially destroyed by grading and other development activities based upon the SCIC records search aerial (dated 2007) and site records. Only one cultural resource, Site SDI-10,081, was destroyed before a formal recordation and evaluation could be performed. Impacts to 15 of these sites were mitigated to less than significant levels through testing or data recovery. Three surficial lithic scatters (SDI-10,072, SDI-14,726, and SDI-14,727) were not relocated for more formal evaluation. Table 1-10, *Summary of Cultural Resources Sites Impacted within the Cumulative Study Area*, provides a summary of the total number of sites located by type, impacts to those sites as identified in previous studies, and the current status of the mitigation associated with each (if applicable).

In addition to the impacts identified as part of the previous investigations within the study area, it is anticipated that with buildout of the EOMSP area additional impacts to cultural resources would occur. As individual development applications are filed with the County of San Diego, additional

cultural resource investigations would be required. As part of the discretionary review process for such applications, including compliance with CEQA, avoidance or mitigation of impacts to significant cultural resource sites would be required pursuant to the County's Resource Protection Ordinance and the CEQA Guidelines. Nonetheless, such future impacts are evaluated as cumulatively considerable for purposes of this analysis.

Given the loss of prehistoric resources, especially habitation sites, in the general vicinity of the Project area and on the Otay Mesa from past projects, in combination with the previous impacts of roads, plowing, and erosion on prehistoric resources, as well as future development within the cumulative study area that could impact historic or prehistoric resources, implementation of the proposed Project would result in cumulatively significant impacts to resources located on-site and within the off-site improvement areas. Implementation of the proposed Project would at least partially impact two prehistoric temporary camps and one historic deposit (SDI-8081, SDI-11,799/H, and SDI-17,963), resulting in a cumulative impact to both prehistoric and historic cultural resources because these resources significantly contribute to the diversity and temporal range of sites on the Otay Mesa. Furthermore, these three sites are positioned on the southeastern edge of the mesa where it transitions into the San Ysidro Mountains and Mexico and as such, are ideally suited for answering important questions regarding subsistence and settlement, chronology, technology, and trade. The Project's impacts to cultural resources are therefore evaluated as a cumulatively significant impact for which mitigation would be required (**Significant Cumulative Impact CR-6**).

2.3.4 Significance of Impacts Prior to Mitigation

Significant Direct Impact CR-1: Implementation of the proposed Project would cause direct impacts to an historical resource site, Site SDI-11,799H, which has been determined to be significant pursuant to §15064.5 of the State CEQA Guidelines. Impacts to SDI-11,799H would result in a substantial adverse change in the significance of the resource, and these impacts are therefore considered significant.

Significant Direct Impact CR-2: The potential exists for uncovering previously unknown historical and/or archaeological artifacts during Project grading and excavation activities. This potential impact is considered significant.

Significant Direct Impact CR-3: Implementation of the proposed Project would cause direct impacts to an archaeological resource site, Site SDI-8081, which has been determined to be significant pursuant to §15064.5 of the State CEQA Guidelines. Impacts to Site SDI-8081 would result in a substantial adverse change in the significance of the resources, and these impacts are considered significant.

Significant Direct Impact CR-4: Implementation of the proposed Project would cause direct impacts to an archaeological resource site, Site SDI-17,963, which has been determined to be significant pursuant to §15064.5 of the State CEQA Guidelines. Impacts to Site SDI-17,963 would result in a substantial adverse change in the significance of the resources, and these impacts are considered significant.

Significant Direct Impact CR-5: The potential exists for uncovering previously unknown human remains, including human remains interred outside of a formal cemetery, during Project grading and excavation activities. This potential impact is considered significant.

Significant Cumulative Impact CR-6: Given the loss of prehistoric resources, especially habitation sites, in the general vicinity of the Project area and on the Otay Mesa from past projects, in combination with the previous impacts of roads, plowing, and erosion on prehistoric resources, as well as future development within the cumulative study area that could impact historic or prehistoric resources, implementation of the proposed Project would result in cumulatively significant impacts to resources located on-site and within the off-site improvement areas.

2.3.5 Mitigation

2.3.5.1 Mitigation Measures from the EOMSP Final EIR

Mitigation measures were identified by the EOMSP Final EIR (1994) to address impacts to cultural resources resulting from implementation of the EOMSP, and include the following:

- 4A. *Testing of all untested or unevaluated sites will be conducted prior to approval of any subsequent discretionary permits. Sites determined to be important after testing will be preserved in open space easements or will be subject to additional testing, or both. Impacts to sites determined not to be important will be considered to be adequately mitigated after the testing phase.*
- 4B. *Prior to approval of any discretionary permits in the 400 acre area not yet surveyed due to agricultural constraints, a cultural resource survey shall be conducted by a qualified archaeologist in accordance with the County of San Diego Archaeological/Historical Report Procedures.*
- 4C. *For sites determined to be important after testing, alternate means of achieving mitigation shall be pursued. These include, but are not limited to, the following:*
 - 1. *Site avoidance by preservation through capping the site with a layer of sterile fill and placing landscaping on top.*
 - 2. *Dedication of open space easements to protect the resources.*
 - 3. *Additional data recovery by implementation of an excavation and analysis program.*
 - 4. *A combination of one or more of the above measures or additional measures, as appropriate.*
- 4D. *Any additional survey, testing, or excavation and analysis must be conducted by a qualified archaeologist, in accordance with the San Diego County Archaeological/Historical Report Procedures. Work to be conducted will include the field work, literature review, analysis of artifacts, preparation of a research design prior to commencement of field work, and the preparation of a report describing the results, with recommendations for mitigation of impacts.*
- 4E. *All cultural resource work shall be conducted in accordance with the East Otay Mesa Cultural Resource Management Plan, prepared by Ogden Environmental and Gallegos Associates, dated October 1993.*
- 4F. *Site preservation shall be the preferred mitigation strategy for cultural resources.*

These mitigation measures have been incorporated into the Project-specific mitigation requirements set forth in SEIR Section 2.3.5.2 as necessary and appropriate to reduce Project-specific cultural resources impacts to less than significant levels.

2.3.5.2 Project-Specific Mitigation

M-CR-1a DATA RECOVERY PROGRAM [DPLU] [Grading Permit, Clearing Permit]

Intent: In order to mitigate impacts to Site SDI-11,799/H, SDI-8081, and SDI-17,963, which are evaluated as significant resources pursuant to Section 15064.5 of the State CEQA Guidelines, data recovery shall occur. **Description of Requirement:** A Data Recovery Program shall be prepared which mitigates impacts to Site SDI-11,799/H, SDI-8081, and SDI-17,963. The Data Recovery Program shall adhere to the General Mitigation Procedures for Data Recovery, as identified in the site-specific cultural resources investigation (EIR Technical Appendix D) and summarized below:

General Mitigation Procedures for Data Recovery:

Data recovery is commonly discussed in terms of sampling percentages, referring to the percent of the area of the significant subsurface deposit that will be excavated. The general approach for achieving the mitigation of impacts through data recovery will begin with an indexing of the site. The site index will include a sufficient sample of the subsurface deposit, consisting of 3% of each deposit, to effectively stratify the deposits into areas of differing artifact content, densities, and activity areas. The indexing process will utilize a static grid to cover each site, with a sample unit placed in each grid cell. Utilizing a grid will produce a very structured, non-random, and uniform index of the content of each cultural deposit. Within the portion(s) of each site that retains the greatest research potential, an additional 2% of that area will be excavated. For most sites in the data recovery program, the area excavated will be up to a total of 5% of the significant subsurface deposit (area of greater research potential). This volume of recovery will be sufficient to successfully pursue the research objectives of the research design, as well as to provide other researchers with a large information resource. At the sites considered to retain the greatest research potential, a third level of stratified sampling may be implemented to focus block excavations on areas that demonstrate intense artifact recovery, features, or multi-cultural depositional patterns.

The excavation of the subsurface deposits will be accomplished with standard one-meter-square test units excavated by hand in ten-centimeter levels. All units will be screened, mapped, measured, and photographed through standard stratigraphic control measures.

For the phases of work at each site, the first phase will be the site indexing and the second phase will be the focused investigation. A third phase, if warranted, would be extremely focused on high potential elements of any significant site. Each phase has specific goals: the site index is a non-random representative sample of the entire site, while the second and third phases will be a focused, biased and intuitive study of the area within the deposit that has the greatest potential.

For consistency, each site will be treated similarly, with an index phase followed by a focused, intuitive phase in the area of greatest importance. The phases of the sampling procedure to be used at the sites included in the data recovery program are:

- Phase 1 The first phase of excavation at any particular site will typically involve a 3% sample used to index the site content and document intra-site variation. Test units will be uniformly distributed within each site using a grid system. For most sites, the presence of multiple rock outcroppings will constitute voids in the sample grid. These areas will be deleted from the calculations of site deposits when the data recovery programs are initiated; however, the areas represented by the outcrops cannot be calculated at this time.*
- Phase 2 The second phase of excavation will consist of up to 2% sample of each site area identified as representing the greatest research potential. The stratification of the site following the Phase 1 work will typically identify an area distinguished as retaining additional research potential. For this sampling phase, the test units would not be randomly placed, but would be intuitively located at the discretion of the archaeologist.*
- Phase 3 The last phase of excavation will be conducted at any sites that are found to contain particularly important deposits worthy of extended excavation. The sample size of any such area is dependent on the nature of the deposit and research potential.*

The procedures noted above will be applied to each of the on-site resources identified as significant pursuant to CEQA Guidelines Section 15126.2(d). The actual number of square meters to be excavated in any particular site will depend upon the site size, importance, and research potential. The projected size of the sample for each of the sites listed below is not a minimum or maximum, but an estimate of the sample needed to satisfy the data needs of the research objectives. The possibility exists that previously unidentified subsurface deposits will be identified during data recovery, increasing the research potential of a significant site. In this case, the sample size of the Phase 1 or Phase 2 excavations may be readjusted. At each site, a backhoe may be employed following the completed sampling program to search for any anomalies within the site. Trenches would be used to expose portions of the sites; however the number of trenches used in this type of investigation would be discussed and approved by the County before initiation.

Documentation: The applicant shall prepare the Data Recovery Program pursuant to this mitigation measure and shall submit it to the Department of Planning and Land Use. Upon approval of the plan, the applicant shall enter into a secured agreement for the Program's implementation. **Timing:** Prior to the approval of a grading or clearing plan or issuance of the grading or clearing permit, the Data Recovery Program shall be approved. **Monitoring:** The Department of Planning and Land Use shall review the Data Recovery Plan for conformance with this mitigation measure. Upon approval of the Program, a Director's decision of approval shall be issued to the applicant.

M-CR-1b SITE-SPECIFIC DATA RECOVERY PROGRAM [DPLU] [Grading Permit, Clearing Permit]

Intent: In order to mitigate impacts to Site SDI-11,799/H, which is evaluated as a significant historic resource pursuant to Section 15064.5 of the State CEQA Guidelines, data recovery shall occur. **Description of Requirement:** A Data Recovery Program shall be prepared which mitigates impacts to Site SDI-11,799/H. The Data Recovery Program shall be consistent with all requirements as documented in the site-specific cultural resources investigation (EIR Technical Appendix D) and as summarized below:

The sampling program for the site will focus on a uniform indexing of the significant areas of the site. This first level of index sampling will consist of a 3% sample of the 1,046 square meter deposit. This represents a sample of 31 square meters for the Phase 1 index. The proposed Phase 2 excavations are projected based on an area of increased research potential estimated to be approximately 2% of the 1,046 square meters; the exact number of Phase 2 excavations will depend on the results of the Phase 1 excavations. The proposed data recovery excavations are summarized as follows:

- *Size of Subsurface Deposit — 1,046 square meters*
- *Phase 1 — 3% sample of 31 test units*
- *Phase 2 — 2% sample of the area of increased research potential resulting in the excavation of 21 test units. This total will vary depending on the stratification of the subsurface deposit into areas of greater research potential.*
- *Total proposed sample size for data recovery — 52 square meters, representing approximately 5.0% of the areas of greatest research potential.*
- *A third phase of mitigation sampling is not likely at SDI-11,799H, as this site is not considered a candidate for intense historic artifact deposits associated with habitation of the area.*

Documentation: The applicant shall prepare a report demonstrating that the Data Recovery Program has been completed pursuant to this mitigation measure and shall submit it to the Department of Planning and Land Use. **Timing:** Prior to the approval of a grading or clearing plan or issuance of the grading or clearing permit, the Data Recovery Program shall be approved. **Monitoring:** The Department of Planning and Land Use shall review the final report for conformance with this mitigation measure.

M-CR-2a DATA RECOVERY PROGRAM [DPLU] [Grading Permit, Clearing Permit]

Intent: In order to mitigate for the potential to impact previously unknown historical and/or archaeological artifacts during Project grading and excavation activities, data recovery shall occur. **Description of Requirement:** The applicant shall contract with a County-approved archaeologist to implement a grading monitoring and data recovery program to the satisfaction of the Director of DPLU. This program shall include, but not be limited to the following actions:

1. The consulting archaeologist shall contract with a culturally-affiliated (Kumeyaay) Native American Observer to be involved with the grading monitoring program. The County-approved archaeologist/historian and Native American Observer shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program. DPLU shall approve all persons involved in the monitoring program prior to any pre-construction meetings.
2. During the original brushing and grading of previously undisturbed areas within the upper five (5) feet of soil, the archaeological monitor(s) and Kumeyaay Native American Observer shall be on site full-time to perform periodic inspections of the excavations. The frequency of inspections will depend on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features.
3. Isolates and clearly non-significant deposits will be minimally documented in the field and the monitored grading can proceed.
4. In the event that previously unidentified potentially significant cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow evaluation of potentially significant cultural resources. The archaeologist shall contact the County Archaeologist at the time of discovery. The archaeologist, in consulting with the County Archaeologist, shall determine the significance of the discovered resource(s). The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the County Archaeologist, then carried out using professional archaeological methods.
5. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The archaeological monitor(s) and Kumeyaay Native American Observer shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
6. In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program shall be processed and curated according to current professional repository standards. The collections and associated records, including title, shall be transferred to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation.
7. In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the Director of DPLU prior to the issuance of any building permits.
8. In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of DPLU by the consulting archeologist that the grading monitoring activities have been completed.

Documentation: The applicant shall prepare a report demonstrating that the Data Recovery Program has been completed pursuant to this mitigation measure and shall submit it to the Department of Planning and Land Use. **Timing:** Prior to the approval of any grading or clearing plan or issuance of any grading or clearing permit, the Data Recovery Plan shall be approved. **Monitoring:** The Department of Planning and Land Use shall review the Data Recovery Plan for conformance with this mitigation measure. Upon approval of the Program, a Director's decision of approval shall be issued to the applicant.

M-CR-2b **DATA RECOVERY PLAN [DPLU] [Grading Inspection]**

Intent: In order to mitigate for the potential to impact previously unknown historical and/or archaeological artifacts during Project grading and excavation activities, data recovery shall occur. **Description of Requirement:** The applicant shall assure adequate data recovery and curation program. This program shall include, but not be limited to the following actions:

- A letter from a qualified curation facility shall be provided to the Director of Planning and Land Use acknowledging that all cultural materials excavated or removed from prehistoric or historic sites during testing and/or data recovery programs (except burial-related artifacts and unless otherwise required by law), along with associated project data, have been permanently curated at a San Diego facility that meets federal standards per 36 CFR Part 79, such as the San Diego Archaeological Center.
- Artifacts would be professionally curated and made available to other archaeologists/researchers for further study. All diagnostic historic artifacts will be curated along with any artifacts possessing educational or interpretive potential and artifacts expressing symbolic or heritage values to recognized ethnic descendants or social groups.
- Only artifacts from sites that have been determined to be not significant pursuant to CEQA may be sampled. A sample may be taken only in the event that nondescript bulk items such as glass or metal are recovered that do not contain long-term research value, and are in such great quantity that a sample will suffice. Any proposed sampling program must be approved by the County of San Diego and must meet the policy set forth by the State of California (1993). Cost for curation will be by the applicant or entity responsible for the impact. Interim curation during the analysis and report preparation will be by the project Consulting Archaeologist.

Documentation: The applicant shall prepare a letter report demonstrating that discovered artifacts would be curated pursuant to this mitigation measure. The letter report shall be submitted to the Department of Planning and Land Use. **Timing:** The applicant shall provide sufficient evidence prior to final grading inspection sign-off. **Monitoring:** The Department of Planning and Land Use shall review the letter report for conformance with this mitigation measure.

M-CR-3a Mitigation Measure CR-1a shall apply.

M-CR-3b SITE-SPECIFIC DATA RECOVERY PROGRAM [DPLU] [Grading Permit, Clearing Permit]

Intent: In order to mitigate impacts to Site SDI-8081, which is evaluated as a significant archaeological resource site pursuant to Section 15064.5 of the State CEQA Guidelines, data recovery shall occur. **Description of Requirements:** A Data Recovery Program shall be prepared which mitigates impacts to Site SDI-8081. The Data Recovery Program shall be consistent with all requirements as documented in the site-specific cultural resources investigation (EIR Technical Appendix D) and as summarized below:

The sampling program for the site will focus on a uniform indexing of the significant areas of the site. The first level of index sampling will consist of a 3% sample of the shell midden deposit. This represents a sample of seven square meters for the Phase 1 index. The proposed Phase 2 excavations are projected based on an area of increased research potential estimated to be approximately 2% or four square meters; the exact number of Phase 2 excavations will depend on the results of the Phase 1 excavations. The proposed data recovery excavations are summarized as follows:

- *Size of Subsurface Deposit — 219 square meters*
- *Phase 1 — 3% sample of 7 test units*
- *Phase 2 — 2% sample of the overall area of increased research potential, resulting in the excavation of 4 test units. The total number of units excavated during Phase 2 will vary depending on the stratification of the subsurface deposit into areas of greater research potential.*
- *Total proposed sample size for data recovery — 11 square meters, representing approximately 5.0% of the areas of greatest research potential.*
- *A third phase of mitigation sampling is not likely at SDI-8081, as this site is not considered a candidate for intense artifact deposits or substantial subsurface features.*

Documentation: The applicant shall prepare the Data Recovery Program pursuant to this mitigation measure and shall submit it to the Department of Planning and Land Use. Upon approval of the plan, the applicant shall enter into a secured agreement for the Program's implementation. **Timing:** Prior to the approval of a grading or clearing plan or issuance of the grading or clearing permit, the Data Recovery Program shall be approved. **Monitoring:** The Department of Planning and Land Use shall review the Data Recovery Plan for conformance with this mitigation measure. Upon approval of the Program, a Director's decision of approval shall be issued to the applicant.

M-CR-4a Mitigation Measure M-CR-1a shall apply.

M-CR-4b SITE-SPECIFIC DATA RECOVERY PROGRAM [DPLU] [Grading Permit, Clearing Permit]

Intent: In order to mitigate impacts to Site SDI-17,963, which is evaluated as a significant archaeological resource site pursuant to Section 15064.5 of the State CEQA Guidelines, data recovery shall occur. **Description of Requirements:** A Data Recovery

Program shall be prepared which mitigates impacts to Site SDI-17,963. The Data Recovery Program shall be consistent with all requirements as documented in the site-specific cultural resources investigation (EIR Technical Appendix D) and as summarized below:

The sampling program for the site will focus on a uniform indexing of the significant areas of the site. This first level of index sampling will consist of a 3% sample of the 2,952 square meter deposit. This represents a sample of 88 square meters for the Phase 1 index. The proposed Phase 2 excavations are projected based on an area of increased research potential estimated to be approximately 2% of the 2,952 square meters; the exact number of Phase 2 excavations will depend on the results of the Phase 1 excavations. The proposed data recovery excavations are summarized as follows:

- *Size of Subsurface Deposit — 2,952 square meters*
- *Phase 1 — 3% sample of 88 test units*
- *Phase 2 — 2% sample of the overall area of increased research potential, resulting in the excavation of 60 test units. The total number of units excavated as Phase 2 will vary depending on the stratification of the subsurface deposit into areas of greater research potential.*
- *Total proposed sample size for data recovery — 148 square meters, representing approximately 5.0% of the areas of greatest research potential.*
- *A third phase of mitigation sampling is not likely at SDI-17,963, as this site is not considered a candidate for intense artifact deposits or substantial subsurface features.*

Documentation: The applicant shall prepare the Data Recovery Program pursuant to this mitigation measure and shall submit it to the Department of Planning and Land Use. Upon approval of the plan, the applicant shall enter into a secured agreement for the Program's implementation. **Timing:** Prior to the approval of a grading or clearing plan or issuance of the grading or clearing permit, the Data Recovery Program shall be approved. **Monitoring:** The Department of Planning and Land Use shall review the Data Recovery Plan for conformance with this mitigation measure. Upon approval of the Program, a Director's decision of approval shall be issued to the applicant.

M-CR-5 **GRADING MONITORING [DPLU] [Grading Inspection]**

Intent: In order to mitigate for the potential to impact previously undiscovered human remains during Project grading and excavation activities, grading monitoring and agency coordination shall occur. **Description of Requirement:** As outlined in CEQA Guidelines Section 15064.5, in the event that human remains are discovered during grading or construction of the project, standard procedures for such discoveries shall be implemented, including notification of the San Diego County Coroner's Office, the County of San Diego, and the Native American Heritage Commission in Sacramento, and local Kumeyaay Native American representatives. Fieldwork will be discontinued in the area of any such discovery. The Native American representative and the County of San Diego shall be consulted to determine a preferred course of action, and the burial shall be

treated accordingly. **Documentation:** In the event that undiscovered human remains are uncovered during grading activities, the Project archaeologist shall provide documentation to the County demonstrating that consultation with the San Diego County Coroner's Office, the County of San Diego, and the Native American Heritage Commission in Sacramento, and local Kumeyaay Native American representatives has occurred, and documentation of the course of action and burial of the human remains shall be provided to the County.

M-CR-6 Mitigation Measures M-CR-1a, M-CR-1b, M-CR-2a, M-CR-2b, M-CR-3a, M-CR-3b, M-CR-4a, M-CR-4b, and M-CR-5 shall apply.

2.3.6 Conclusion

The following provides a summary of the significance of each of the impacts identified above under Section 2.3.4 after incorporation of the mitigation measures identified above under Section 2.3.5.

Significant Direct Impact CR-1: Implementation of Mitigation Measures M-CR-1a and M-CR-1b would ensure that a data recovery program is implemented to document the on-site historical resources associated with Site SDI-11,799H. With implementation of the required mitigation, the research potential of Site SDI-11,799H would be exhausted, and impacts to the site would be regarded as less than significant pursuant to CEQA Guidelines Section 15126.2(d).

Significant Direct Impact CR-2: Implementation of Mitigation Measure M-CR-2a and M-CR-2b would ensure that any historical or archaeological resources uncovered during Project grading and excavation activities are treated in accordance with CEQA Guidelines Section 15064.5. With implementation of the required mitigation, any impacts to discovered cultural resources would be reduced to a level of less than significant.

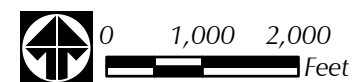
Significant Direct Impact CR-3: Implementation of Mitigation Measures M-CR-3a and CR-3b would ensure that a data recovery program is implemented to document the on-site archaeological resources associated with Site SDI-8081. With implementation of the required mitigation, the research potential of Site SDI-8081 would be exhausted, and impacts to the site would be regarded as less than significant pursuant to CEQA Guidelines Section 15126.2(d).

Significant Direct Impact CR-4: Implementation of Mitigation Measures M-CR-4a and CR-4b would ensure that a data recovery program is implemented to document the on-site archaeological resources associated with Site SDI-17,963. With implementation of the required mitigation, the research potential of Site SDI-17,963 would be exhausted, and impacts to the site would be regarded as less than significant pursuant to CEQA Guidelines Section 15126.2(d).

Significant Direct Impact CR-5: Implementation of Mitigation Measure M-CR-5 would ensure that any human remains encountered during Project grading and excavation activities are treated in accordance with CEQA Guidelines Section 15064.5. With implementation of the required mitigation, the potential for impacting undiscovered human remains would be reduced to a level of less than significant.

Significant Cumulative Impact CR-6: Implementation of the mitigation measures identified to address Project-specific impacts also would reduce cumulatively significant effects to less than

significant levels. The proscribed mitigation requires the scientific recovery, study, documentation, and curation of the significant sites located within the Project's impact areas (SDI-8081, SDI-11,799/H, and SDI-17,963), and requires similar treatment for any previously undocumented on-site resources which may be uncovered during site disturbance activities. Important information about past lifeways will be preserved through well-planned and executed mitigation that documents and gathers all data from these non-replaceable and non-renewable resources. Therefore, because Project's direct impacts to cultural resources would be fully mitigated through data recovery, curation, and reporting, as required by Mitigation Measures M-CR-1A through M-CR-5, implementation of the required mitigation would reduce cumulative impacts to less than significant levels.



SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT